

NOWALSKY, BRONSTON & GOTHARD

A Professional Limited Liability Company

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Philip R. Adams, Jr.

September 13, 2010

Via ECFS

Federal Communications Commission
Wireline Competition Bureau
9300 Hampton Drive
Capitol Heights, MD 20743

RE: WC Docket 10-181
Combined Applications for the transfers of control
of Tri-M Communications, Inc. d/b/a TMC Communications
From the John Marsh Revocable Trust to the Estate of John
Marsch and from the Estate of John Marsh to 5LINX Enterprises,
Inc.

Dear Sir or Madam:

Per Staff request, please find attached a copy of the Request for Special Temporary Authority ("STA") filed on behalf of Tri-M Communications, Inc. d/b/a TMC Communications ("TMC") on August 20, 2010. The STA has been assigned File Number ITC-STA-20100820-00341.

In addition, please be advised that we are also submitting the request to transfer control of TMC's domestic Section 214 authority to the Estate of John Marsch.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Becky Heggelund

Attachment

Remittance ID:1828555 Authorization
Number:272651
Successful Authorization -- Date Paid: 8/20/10
FILE COPY ONLY!!

READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING (1) LOCKBOX #979093	FEDERAL COMMUNICATIONS COMMISSION REMITTANCE ADVICE FORM 159 PAGE NO 1 OF 1	APPROVED BY OMB 3060-059 SPECIAL USE FCC USE ONLY
SECTION A - Payer Information		
(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card) Nowalsky, Bronston & Gothard		(3) TOTAL AMOUNT PAID (dollars and cents) \$1015.00
(4) STREET ADDRESS LINE NO. 1 3500 N. Causeway Blvd.		
(5) STREET ADDRESS LINE NO. 2		
(6) CITY Metairie	(7) STATE LA	(8) ZIP CODE 70002
(9) DAYTIME TELEPHONE NUMBER (INCLUDING AREA CODE) 504-8321984		(10) COUNTRY CODE (IF NOT IN U.S.A.) US
FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED		
(11) PAYER (FRN) 0005659958		(12) FCC USE ONLY
IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)		
(13) APPLICANT NAME Tri-M communications, Inc.d.b.a. TMC Communications		
(14) STREET ADDRESS LINE NO. 1 6455 E Johns Crossing		
(15) STREET ADDRESS LINE NO. 2 Ste 200		
(16) CITY Duluth	(17) STATE GA	(18) ZIP CODE 30097-
(19) DAYTIME TELEPHONE NUMBER (INCLUDING AREA CODE) 678-775-2244		(20) COUNTRY CODE (IF NOT IN U.S.A.) US
FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED		
(21) APPLICANT (FRN) 0004337879		(22) FCC USE ONLY
COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET		
(23A) FCC Call Sign/Other ID	(24A) Payment Type Code(PTC) CUT	(25A) Quantity 1
(26A) Fee Due for (PTC) \$1,015.00	(27A) Total Fee \$1015.00	FCC Use Only
(28A) FCC CODE 1	(29A) FCC CODE 2 IB2010002615	
(23B) FCC Call Sign/Other ID	(24B) Payment Type Code(PTC)	(25B) Quantity
(26B) Fee Due for (PTC)	(27B) Total Fee	FCC Use Only
(28B) FCC CODE 1	(29B) FCC CODE 2	

Approved by OMB
3060-0686**Federal Communications Commission****INTERNATIONAL SECTION 214 SPECIAL TEMPORARY AUTHORITY APPLICATION**
FCC FORM 214STA
FOR OFFICIAL USE ONLY
[Click here for **INSTRUCTIONS.**]

Reset

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Menu

APPLICANT INFORMATION**Note: Use only standard punctuation. Please do not use special characters - such as ';' - in any of the fields below!**

Enter a description of this application to identify it on the main menu:

Application for Special Temporary Authority on behalf of Tri-M Communic

1. Applicant

Name: Tri-M communications, Inc.d.b.a.
TMC Communications

Phone Number: 678-775-2244

DBA Name: Fax Number: 678-775-2254

Street: 6455 E Johns Crossing
Ste 200

E-Mail: cstockhoff@tcsteam.com

City: Duluth State: GA

Country: USA Zipcode: 30097 -

Attention: Mr Chris M Stockhoff

2. Contact

Name: Leon Nowalsky Phone Number: 504-832-1984

Company: Nowalsky, Bronston & Gothard Fax Number: 504-831-0892

Street: 1420 Veterans Blvd. E-Mail: inowalsky@nbglaw.com

City: Metairie State: LA

Country: USA Zipcode: 70005 -

Attention: Relationship:

3. Place of Incorporation of Applicant California**4. Other Company(ies) and Place(s) of Incorporation**

<p>5. Service Type(s) (check all that apply)</p> <p><input checked="" type="checkbox"/> Global or Limited Global Facilities-Based Authority (Section 63.18(e)(1))</p> <p><input checked="" type="checkbox"/> Global or Limited Global Resale Authority (Section 63.18(e)(2))</p> <p><input type="checkbox"/> Individual Facilities-Based Service (Section 63.18(e)(3))</p> <p><input type="checkbox"/> Individual Switched Resale Service (Section 63.18(e)(3))</p> <p><input type="checkbox"/> Individual Facilities-Based and Resale Service (Section 63.18(e)(3))</p> <p><input type="checkbox"/> Switched Services over Private Lines (ISR) (Section 63.16 and/or 63.18 (e)(3))</p> <p><input type="checkbox"/> Inmarsat and Mobile Satellite Service (Section 63.18(e)(3))</p> <p><input type="checkbox"/> Overseas Cable Construction (Section 63.18(e)(3))</p> <p><input type="checkbox"/> Individual Non-Interconnected Private Line Resale Service (Section 63.18(e)(3))</p> <p><input type="checkbox"/> Other (Section 63.18(e)(3))</p>	
TYPE OF REQUEST	
<p>6. <input checked="" type="radio"/> New Request <input type="radio"/> Extend STA Date <input type="radio"/> Other</p>	<p>7. Date Authorization Needed: 10/31/2010</p>
<p>8. Is a fee submitted with this application?</p> <p><input checked="" type="radio"/> If Yes, complete and attach FCC Form 159.</p> <p>If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).</p> <p><input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial educational licensee</p> <p><input type="radio"/> Other (please explain):</p>	
<p>9. Description of Special Temporary Authority Requested.</p> <p>Request for special temporary authority on behalf of the Estate of John Marsch to operate Tri-M Communications, Inc. d/b/a TMC Communications</p>	
<p>10. In Attachment 1, provide justification of need for special temporary authority requested.</p>	
<p>11. If this request for Special Temporary Authority is associated with any pending applications filed with the Commission, enter either the file number [e.g., ITC-214-19930101-23412] or the IB Submission ID of the pending application [e.g., IB200311111] AND go to question 16.)</p> <p>File Number IB2010002614 or Submission ID</p>	

Applicant certifies that its responses to questions 11 through 17 are true:

<p>12. If the applicant is a foreign carrier, or is affiliated (as defined in 47 C.F.R. Section 63.09(e)) with a foreign carrier, provide in Attachment 1 the information and certifications required by Section 63.18(i) through (m).</p>	
<p>13. Does the applicant seek authority to provide service to any destination described in paragraphs (1) through (4) of Section 63.18(j)? If yes, list those destinations in Attachment 1 as a response to question 12. <input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<p>14. Does the applicant seek authority to provide service to any destinations other than those listed in response to question 12 where it has an affiliation with a foreign carrier? If yes, list those destinations in Attachment 1 as a response to question 13. <input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<p>15. [Section 63.18(h)] In Attachment 2, provide the name, address, citizenship and principal business of the applicant's ten percent or greater direct and indirect shareholders or other equity holders, and identify any interlocking directorates.</p>	
<p>16. In Attachment 1, respond to paragraphs (d), (e)(3) and (g) of Section 63.18.</p>	

17. By checking Yes, the undersigned certifies that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. *See 47 CFR 1.2002(b) for the meaning of "party to the application" for these purposes.* ☒ Yes ☐ No

18. By checking Yes, the applicant certifies that it has not agreed to accept special concessions directly or indirectly from a foreign carrier with respect to any U.S. international route where the foreign carrier possesses sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market and will not enter into such agreements in the future. ☒ Yes ☐ No

CERTIFICATION

19. Typed Name of Person Signing Michael Pfau	20. Title of Person Signing Secretary	
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT (U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).		
21. 1: <input type="text" value="Attachment 1"/>	2: <input type="text" value="Attachment 2"/>	3: <input type="text" value="Attachment"/>

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

The public reporting for this collection of information is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERF, Paperwork Reduction Project (3060-0686), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0686.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

Attachment 1
Application for Special Temporary Authority
To Operate Pursuant to International 214 Authorization

REASONS FOR REQUEST FOR SPECIAL TEMPORARY AUTHORITY

This is a request for Special Temporary Authority ("STA"), submitted pursuant to Section 63.25 of the Commission's rules, seeking temporary authority to allow Tri-M Communications, Inc. d/b/a TMC Communications ("TMC"), the holder of International 214 Authorization ITC-214-19981218-00897¹/ (the "214 Authorization"), to continue to operate while the pending 214 Transfer of Control Applications, filed concurrently herewith, seeking Commission approval of a 214 involuntary transfer of control application on behalf of TMC and The Estate of John Marsch ("Marsch Estate") (collectively known as the TMC-Marsch Estate Transaction) and the 214 Transfer of Control Application on behalf of TMC and 5LINX Enterprises, Inc. ("5LINX") is completed. TMC respectfully requests 60 days temporary authority while the 214 Application is pending.

TMC's majority shareholder was originally John Marsch, an individual, who owned 100% percent of the stock and controlling interest in TMC.²/ On May 17, 2006, Mr. Marsch passed away and his heirs subsequently inherited his assets equally. The heirs were his daughters, namely Michelle Marsch Cutlip and Melissa Marsch-Baker (through the Melissa Marsch-Baker Trust, administered by Michael Pfau, Trustee.) Mr. Marsch's heirs were unaware of the notification requirement pursuant to Section 63.24 of the Commission's rules and did not file the notification of an involuntary transfer of control due to their father's death.

A Grant of Special Temporary Authority Will Serve the Public Interest. This STA has been filed at the direction of the Commission staff to accompany the filing of the TMC-Marsch Estate Transaction 214 Transfer of Control Application. Grant of the STA is needed to allow TMC to continue to operate its telecommunications network pending Commission action on the TMC-Marsch Estate Transaction 214 Application. TMC's International 214 license authorized TMC to provide Global or Limited Global Facilities Based and Resale Service between the United States and foreign points. TMC is an active domestic and international carrier, presently providing retail telecommunications services in 48 states. As such, the public interest will be served by granting this STA request to allow uninterrupted provision of TMC's services. In further support of this request, the Commission is respectfully requested to consider that TMC has acted in good faith to rectify its failure to file for an involuntary transfer of control after John Marsch's death, admitting its failure to comply with Commission rules, and seeking approval of the Application.

1 The 214 International Authority is listed on the FCC's International Bureau database in the name of Tri-M Telecommunications, Inc., which is a typographical error as evidenced by a copy of the original Application for 214 International Authority attached hereto as Exhibit A, which sets forth the true name of the company as Tri-M Communications, Inc. d/b/a TMC Communications.

2 John Marsch transferred his shares to the John Marsch Revocable Trust on June 30, 2000. Mr. Marsch was the sole beneficiary of the Trust and controlled the Trust until his death.

Steps Taken by TMC to Ensure Future Compliance with FCC rules. TMC has taken steps to ensure future compliance with Commission rules. To ensure future compliance with FCC rules, TMC will consult with Communications counsel on a regular basis as necessary to remain advised and up to date on Commission regulatory requirements affecting its operations. In addition, TMC will maintain a current copy of Part 63 of the Commission's rules at its headquarters in California, and has appointed Ron Ireland, its President, as Regulatory Compliance Officer of the company responsible for compliance with FCC rules and regulations and coordination with communications counsel

Requested Duration for Special Temporary Authority. TMC requests 60 days temporary authority while the 214 Application is pending. The ownership interests in TMC are held by U.S. citizens.

Acknowledgment. TMC hereby acknowledges that the grant of this STA request will not prejudice any action the Commission may take on the underlying application seeking Commission approval of their 214 International Authority. The parties further acknowledge that this STA can be revoked by the Commission upon its own motion without a hearing.

Name, Address, Citizenship and Principal Business Addresses of 10% or greater shareholders in

Tri-M Communications, Inc. d/b/a TMC Communications

And

The Estate of John Marsch

Michelle Cutlip, an individual

Address: 14 Stafford Road, Chatham, New Jersey 07928

Citizenship: United States

Principal Business: Stockholder

Percent Ownership: Cutlip owns 50% of The Estate of John Marsch

Michael E. Pfau, Trustee of the

Melissa Marsch-Baker Trust

Address: 1420 State Street, Suite B, Santa Barbara, CA 93101

Principal Business: Stockholder

Percent Ownership: Trust owns 50% of The Estate of John Marsch